

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANGEL RIVERA,
Plaintiff

v.

ARIANNA DEMPSEY, CRNP et al.,
Defendants

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No. 1:22-cv-00233

(Judge Rambo)

ORDER

AND NOW, on this 13th day of April 2023, upon consideration of Defendant Arianna Dempsey (“Dempsey”)’s motion to dismiss the amended complaint and/or for summary judgment filed pursuant to Rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure (Doc. No. 16), and in accordance with the Court’s accompanying Memorandum, **IT IS ORDERED THAT:**

1. Defendant Dempsey’s motion for summary judgment (Doc. No. 16) on the limited issue of exhaustion is **DENIED**;
2. Defendant Dempsey’s motion to dismiss Plaintiff Angel Rivera’s Eighth Amendment claim based upon deliberate indifference to his serious medical needs (Doc. No. 16) is **DENIED**; and
3. Defendant Dempsey shall file an answer to the amended complaint within **twenty-one (21) days** of the date of this Order.

s/ Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge